

1 43. (New) The eye patch of claim 39, wherein the fastener comprises a loop
2 comprising a first end secured to the body and a second end adapted to extend around the bridge
3 to releasably couple the bridge to the body.

1 44. (New) The eye patch of claim 39, wherein the fastener comprises a releasable
2 connector adapted to releasably couple the bridge to the body.

1 45. (New) The eye patch of claim 39, wherein
2 the body includes at least one slot, and
3 the second end comprises a pronged tab adapted to be inserted into the slot to releasably
4 couple the second end to the body.

REMARKS

In an Office Action mailed on January 30, 2001, claims 30-32 and 34-37 were rejected under 35 U.S.C. § 102(a) as being anticipated by Oviatt; claims 1-6, 8-20, 22-29, 33 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Oviatt in view of Grindle; and claims 7 and 21 were rejected to as being dependent upon a rejected base claims but allowable if rewritten in independent form.

Claims 30 and 34 have been amended, and the marked-up version of these claims appear in a separate document. The undersigned has endeavored to ensure that the marked-up and clean versions of the claims correspond. However, the Examiner is requested to verify that these two versions are consistent.

Newly added claims 39-45 are patentable over the cited art. The remaining claims are patentable for at least the reasons discussed below. The undersigned requests a telephonic interview with the Examiner after the Examiner has reviewed this Reply.

Rejections of Claims 1-6, 8-15, 17-20 and 22-29:

The eye patch of claim 1 and the assembly of claim 16 each includes a flexible body to be positioned on a front of eyeglass frames to substantially block both frontal and peripheral vision of an eye. A possible advantage of this arrangement is that substantially all light is prevented

from striking an eye that is being corrected with the eye patch due to the blockage of the frontal and peripheral vision. Other and different advantages are possible.

In contrast, Grindle teaches away from a flexible body that is adapted to substantially block the peripheral vision of an eye. In this manner, the visual field and lens occluder of Grindle blocks only frontal and not peripheral vision. As stated in Grindle, this arrangement “permits light and air to enter around the sides maintaining a healthful environment for the young the child’s eye.” Grindle, column 5, lines 14-18. Thus, Grindle teaches away from the combination proposed by the Examiner and cannot be used to support the § 103 rejection.

Claims 1 and 16 are further patentable because neither Grindle nor Oviatt, alone or in combination, teaches or suggests a fastener to attach a flexible body to the bridge of eyeglass frames. In this manner, the eye patch of Grindle is not attached to the bridge via a fastener. The eye patch of Oviatt is attached to a nose pad, not a bridge.

Therefore, for at least these reasons, the Applicant requests withdrawal of the § 103 rejections of claims 1 and 16. Claims 2-6, 8-15, 17-20 and 22-29 are patentable for at least the reason that these claims depend from allowable claims.

Rejections of Claims 30-38:

As amended, the eye patch of claim 30 and the eye patch of the assembly of claim 34 each includes a flexible body to be fastened to at least partially cover a front of eyeglass frames to substantially block both frontal and peripheral vision of an eye. Regarding the § 103 rejections of claim 30 and 34, the Examiner has not established a *prima facie* case of obviousness, as Grindle teaches away from the proposed combination of Grindle and Oviatt for the reasons stated above.

Regarding the § 102 rejections of claim 30 and 34, Oviatt does not teach or suggest a flexible body to be fastened to at least partially cover a front of eyeglass frames. Referring to the specification, the “front” of the eye frames refers to the side of the eyeglasses that receives incident light from viewed objects when the pair of eyeglasses is being worn. Specification, p. 3, ll. 28-31 A possible advantage of this arrangement is that the flexible body may be fastened to the front of the eyeglass frames instead of on the rear of the frames where the body may irritate the eye of the wearer of the eyeglass frames. Because for at least the reason that Oviatt does not

teach all limitations of either claim 30 or 34, withdrawal of the § 102 rejections of claims 30 and 34 is requested.

Claims 31-33 and 35-38 are patentable for at least the reason that these claims depend from allowable claims.

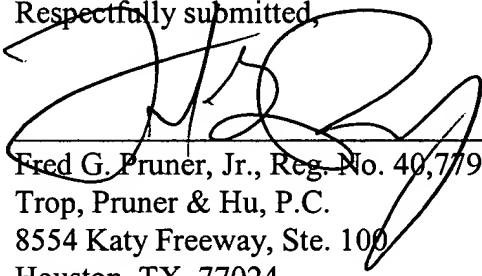
CONCLUSION

In view of the foregoing, the Applicant requests withdrawal of the §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account No. 20-1504 (GRIJ-0002-US).

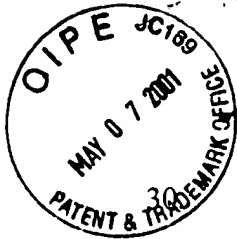
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Respectfully submitted,



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CLAIM AMENDMENTS

(Amended) An eye patch usable with eyeglass frames, comprising:
a flexible body to be fastened to at least partially cover a front of the eyeglass frames to substantially block both frontal and peripheral vision of an eye; and
at least one fastener to secure the flexible body to the frames.

34. (Amended) An assembly comprising:
eyeglass frames; and
an eye patch comprising:
a flexible body to be fastened to at least partially cover a front of the eyeglass frames to substantially block both frontal and peripheral vision of an eye; and
at least one fastener to secure the flexible body to the frames.